

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JEANNETTA MARIE NEAL

Plaintiff,

v.

COMMISSIONER, SSA

Defendant.

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CIVIL CASE NO. 4:22-CV-01005-ALM

MEMORANDUM OPINION AND ORDER

Before the Court for consideration is the Commissioner's Unopposed Motion to Reverse and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g). (Dkt. #19). After considering the Motion to Reverse and Remand, all pleadings on file, and the applicable law, the Court finds the Commissioner's Unopposed Motion to Reverse and Remand should be **GRANTED**.

On November 28, 2022, Plaintiff Jeannetta Marie Neal filed this action seeking judicial review of the Commissioner's decision denying her application for disability benefits under the Social Security Act ("Act"). (Dkt. #1). On July 6, 2023, the Commissioner filed the instant Unopposed Motion to Reverse and Remand, (Dkt. #19), asserting remand is appropriate and requesting the Court reverse and remand the case for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). The Motion is unopposed; accordingly, it appears both Parties agree that reversal and remand of this action is necessary. (Dkt. #19 at p. 2).

Section 405(g) provides: "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commission of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). Because further administrative proceedings are required in this case, the Court agrees

that remand is appropriate pursuant to the fourth sentence of Section 405(g). Based on the foregoing, the Court finds the Commissioner's final decision is hereby reversed, and Plaintiff's disability claim is hereby remanded to allow the Commissioner to conduct further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

For the foregoing reasons, it is **ORDERED** that the Commissioner's Unopposed Motion to Reverse and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g), (Dkt. #19), is **GRANTED**. The Commissioner's decision is hereby **REVERSED** and **REMANDED** for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

SIGNED this 11th day of July, 2023.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE